

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICANT:** Marta Gomez-Chiarri et al.      **GROUP:** 1636  
**SERIAL NO:** 09/915,615      **EXAMINER:** David A. Lambertson  
**FILED:** July 26, 2001  
**FOR:** DELIVERY OF DNA VACCINES  
INTO FISH BY IMMERSION

**Box: Petitions**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**Sir:**

RENEWED PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED  
APPLICATION UNDER 37 C.F.R. 1.137(b)

The Applicant respectfully requests the Honorable Commissioner to grant this Petition under 37 C.F.R. 1.137(b) and revive the unintentional abandoned above-identified application in view of the facts and reasons set forth below.

This is in response to the correspondence mailed on October 26, 2007.

An associate of the firm, Richard L. Stevens, Jr. was handling the subject application for the firm. He has since left the firm. There was an outstanding office action mailed by the U.S. Patent and Trademark Office on September 16, 2004. There is no indication in the file, why Mr. Stevens did not reply to the outstanding office action.

During the month of December 2006, the applicant called to check on the status of the application. At that time, after telephone discussions with U.S. Patent Office personnel, it was

determined that the application had been abandoned. The Notice of Abandonment was not located in the file. The firm does not know if the document was received by our office or not. A discussion with Mr. Stevens by the undersigned did not unearth any additional information as to why there was no response filed in the application as he could not remember the particular application.

After determining that the application had unintentionally gone abandoned, the undersigned took immediate steps to obtain a proper sequence listing and file a petition to revive.

A Formal Response to the Office Action including a proper Sequence Listing and amendment to the claims was filed with the Petition dated February 9, 2007. The Honorable Commissioner is respectfully requested to accept the Formal Response filed with the Petition dated February 9, 2007 to satisfy the requirements of 37 C.F.R. 1.137(b).

The above-identified application has been unintentionally abandoned. Moreover, the entire delay in filing the required reply to the Office Action, dated September 16, 2004, from the due date for the reply December 16, 2004 until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional.

At the time that the Notice of abandonment should have arrived, it was the policy of Gauthier and Connors that all of the mail was sorted by either a clerk or a secretary and given directly to the attorney whose name was on the mail or the attorney handling the application. It was up to the attorney who received the mail to give all matters requiring docketing to the docketing clerk.

Since that date, the firm realized that their policy of docketing mail could lead to potential problems. Thus to avoid all future problems, about a year and a half ago, the firm modified their

office policy and all mail and faxes go directly to the docketing clerk before being forwarded to any attorney. With this new policy in place, the firm can determine if a document was received.

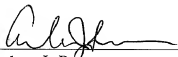
In the subject application, the application merely required the submission of a sequence listing and claim amendments to correct 35 USC §112 first and second paragraph rejections. There were no art rejections. The client would surely have wanted to file an appropriate response to place the application in condition for allowance.

The Applicant did not intend to abandon nor delay the prosecution of the above-identified application. Moreover, the entire delay in filing the required reply to the Office Action, dated September 16, 2004, from the due date for the reply December 16, 2005 until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional.

Accordingly, in view of all the reasons set forth above and the attached evidence, the Honorable Commissioner is respectfully requested to grant the Petition to Revive under 37 C.F.R. 1.137(b).

The application is now considered to be in condition for allowance, and an early indication of same is earnestly solicited.

Respectfully submitted,

  
Arlene J. Powers  
Registration No. 35,985  
Gauthier & Connors LLP  
225 Franklin Street  
Boston, Massachusetts 02110  
Telephone: (617) 426-9180  
Extension 110